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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,430	10/27/2003	Keiichi Yamamoto	NAGA:005	8930

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EXAMINER

ALLISON, ANDRAE S

ART UNIT PAPER NUMBER

2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/694,430

Applicant(s)

YAMAMOTO ET AL.

Examiner

Andrae S. Allison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Remarks***

1. The Office Action has been issued in response to amendment filed January 3, 2007. Claims 1-14 are pending. Applicant's arguments have been carefully and respectfully considered in light of the instant amendment, and are not persuasive. Accordingly, this action has been made FINAL.

### ***Response to Rejection Arguments***

In response to applicant arguments on pages 6-7 [p][1-4] that the references fail to teach the limitation wherein said detecting mode changing means includes: a moved distance detecting mode where a moved distance of the hand in the image pickup zone is detected and used as the operation information; a stop time detecting mode where a stop time of the hand at a stop position, to which the hand has been moved by a predetermined distance or more in the image pickup zone, is detected and used as the operation information; and detection mode setting means for setting at least one of the moved distance detecting mode and the stop time detecting mode, the Examiner disagrees. Applicant however, admitted that the Tamotsu and Paul are indeed combination, furthermore, Paul clearly teaches the hand pattern switch device wherein said detecting mode changing means includes: a moved distance detecting mode where a moved distance of the hand in the image pickup zone is detected and used as the operation information (see column 3, line 36-38, where a feature tracking algorithm

outputs position information); a stop time detecting mode where a stop time of the hand at a stop position, to which the hand has been moved by a predetermined distance or more in the image pickup zone, is detected and used as the operation information (see column 3, line 36-38, where a feature tracking algorithm also outputs time information); and detection mode setting means for setting at least one of the moved distance detecting mode and the stop time detecting mode (see column 3, lines 44-47, where the system check if the velocity of a motion is below a certain threshold).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamotsu (JP 11-134090) in view of Paul et al (US Patent No.: 7,050,606).

As to claim 1, Tamotsu discloses a hand pattern switch device comprising: (operation output device, page 1, [p][0001], line 1 of translation) which has image pickup means (e.g. CCD camera; page 2, [p][0011], line 2 of translation) for picking up an image of a hand (page 1, [p][0005], lines 1-6 of translation) that is within a predetermined image pickup zone (see Drawing 3 of translation) and in recognizing a

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hand pattern therefrom and for a hand motion is detected from the picked-up image to obtain operation information (e.g. on-off operation; page 2, [p][0007], line 1 of translation) for a controlled objects (e.g. radio; page 1, [p][0005], line 9 of translation); controlled object selecting means for selecting one of the controlled objects in accordance with the at least one of the recognized hand pattern (see page 4, [p][0028] where a control object is selected base on which partition (A, B or C) in which the operator's hand is placed); and detection mode selecting means (configuration switch; page 2, [p][0014], line 1 of translation) for selecting a prescribed detecting modes as a mode of detecting the operation based on the hand motion in dependence with the controlled object selected by the controlled object selecting means (see page 3, [p][0016] of translation where the index, middle and third finger corresponds to on and off operation of air conditioning equipment); instructed-operation recognizing section (1, CPU, see Fig 1) for controlling the controlled object selected by the controlled object selecting means based on the operation information with the detecting mode selected by the detection mode selecting means (see [p][0012], lines 7-9 and [p][0013], lines 1-5), wherein said plurality of prescribed detecting modes include: a moved distance detecting mode for detecting a moved distance in the image pickup zone, and a stop time detecting mode for detecting a stop time of the hand at a stop position, to which the hand has been moved by a predetermined distance or more in the image pickup zone.

However Tamotsu does not teach a hand motion is detected from the picked-up image and a moved distance detecting mode for detecting a moved distance in the image pickup zone, and a stop time detecting mode for detecting a stop time of the

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hand at a stop position, to which the hand has been moved by a predetermined distance or more in the image pickup zone. Paul teaches a system for controlling devices based on hand or body gesture (column 2, lines 17-19) that includes wherein a hand motion is detected from the picked-up image (see column 3, line 36-40, where capture image data is processed by a dynamic gesture algorithm) and a moved distance detecting mode for detecting a moved distance in the image pickup zone (see column 3, line 36-38, where a feature tracking algorithm outputs position information), and a stop time detecting mode for detecting a stop time of the hand at a stop position, to which the hand has been moved by a predetermined distance or more in the image pickup zone (see column 3, line 36-38, where a feature tracking algorithm also outputs time information). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the system for controlling devices of Paul to the operation output device of Tamotsu for controlling comfort or entertainment features such as heater and air conditioner or to "facilitates the automatic adjustment of car seating restraints based on head position" (column 2, lines 24-29).

As to claim 5, Tamotsu teaches a vehicle hand pattern switch device wherein, the image pickup zone is located laterally to a steering wheel of a vehicle to enable an arm of a driver steering the steering wheel can extend a driver's arm without changing a driving posture of the driver (see page 2, [p][0011] of translation, line 2-4 where predetermined image pickup zone is located on the left side and within range of an operator so that he can perform various actuation signals).

As to claim 4, Tamotsu teaches the hand pattern switch device wherein the moved distance detecting mode is a mode in which the moved distance of the hand is detected in multi-stage fashion using a predetermined moved distance as a unit of detection (see page 6, [p][0047] of translation where the control unit is incremented or reduced by step size defined beforehand according to image pick-up sign).

As to claim 6, Tamotsu teaches the vehicular hand pattern switch device wherein the image pickup zone is at least 50 mm apart from an outer periphery of the steering wheel (the image pickup is preferable located within 50 mm from the steering, because it would be within reach of an operator but still not too close to interfere with his driving) the image pickup zone being a rectangle in shape and having a size of about 600 mm in a fingertip direction and about 350 mm in a width direction of the driver's hand which is extended (see Drawing 3 of translation where the image pick-up zone has length and width of 30-40 cm, therefore, it is obvious that the image pick-up zone can be a rectangle).

As to claim 8, note the discussion of claim 5 above.

As to claim 10, note the discussion of claims 1-3 above.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tamotsu (JP 11-134090) in view of Paul et al (US Patent No.: 7,050,606) further in view of Bogen et al (US Patent No.: 5,815,147).

As to claim 2, note the discussion above, Both and Paul do not teach the hand pattern switch device wherein said controlled object selecting means cyclically selects one of the controlled objects each time a predetermined hand motion pattern is detected.

Bogen teaches a system for providing virtual play environment (column 2, lines 12-14) that includes wherein said controlled object setting means cyclically selects one of the controlled objects each time a predetermined hand motion pattern is detected (cycle through selected objects; column 5, line 22-25). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the system for providing virtual play environment of Bogen to the operation output device of Tamotsu as modified by Paul for "highlighting or otherwise indicating that successive object within a scene is selectable" (column 5, lines 17-20).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tamotsu (JP 11-134090) in view of Paul et al (US Patent No.: 7,050,606) further in view of Smith et al (US Patent No.: 6,128,003).

As to claim 7, note the discussion above, Paul teaches the vehicular hand pattern switch device wherein the detection of the hand motion in the image pickup



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zone includes detecting a 10 mm to 70 mm displacement of a centroid position of the hand, determined from the picked-up image, as at least one of a controlled object selection (see column 3, line 36-42, where capture image data is processed by a dynamic gesture algorithm and when a gesture is recognized a control signal is sent to a device and the appropriate response is performed).

However, both Paul and Tamotsu do not teach wherein the detection of the hand motion in the image pickup zone includes detecting a 10 mm to 70 mm displacement of a centroid position of the hand. Smith teaches a hand gesture recognition system (column 2, lines 64-65) that includes wherein the detection of the hand motion in the image pickup zone includes detecting a 10 mm to 70 mm displacement of a centroid position of the hand. (see Fig 7, where the centroid of a hand is detected and column 9, lines 61-67, where the displacement of the centroid is used to recognize a "swipe" gesture). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the hand gesture recognition system of Smith to the operation output device of Tamotsu as modified by Paul to perform gesture recognition "effectively with relatively low-performance processing circuits" (column 2, lines 64-67) for e.g. microprocessor for game or graphics applications (column 3, lines 14-16).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tamotsu (JP 11-134090) in view of Paul et al (US Patent No.: 7,050,606) further in view of Pryor et al (US Patent No.: 6,766,036).

As to claim 9, note the discussion above, both Paul and Tamotsu the vehicular hand pattern switch device, wherein said image pickup means is disposed at a ceiling of the vehicle. Pryor teaches input apparatus for data communication (see abstract, lines 1-3) including wherein said image pickup means is disposed at a ceiling of the vehicle (1020, Fig 10). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the input apparatus of Pryor to the operation output device of Tamotsu as modified by Paul for sensing the action of a finger and performing the desire control function such as turning a radio on (column 14, lines 21-27):

6. Claim 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamotsu (JP 11-134090) in view of Paul et al (US Patent No.: 7,050,606) further in view of Peter et al (US Patent No.: 6,359,612).

As to claim 11, both Paul and Tamotsu does not teach the hand pattern switch device wherein said hand pattern switch device includes operation start recognizing means for recognizing that an operation of said hand pattern switch is started when the recognized hand pattern corresponds to a predetermined first hand pattern, wherein said controlled object selecting means selects a controlled object among the controlled object in accordance with a motion of the hand when a recognized hand pattern corresponds to a predetermined second hand pattern, after said operation start recognizing means recognizes that the operation of said hand pattern switch device is started.

Peter teaches an imaging system (column 1, lines 1-2) that includes wherein the hand pattern switch device wherein said hand pattern switch device includes operation start recognizing means for recognizing that an operation of said hand pattern switch is started when the recognized hand pattern corresponds to a predetermined first hand pattern (e.g. Fig 5), wherein said controlled object selecting means selects a controlled object among the controlled object in accordance with a motion of the hand when a recognized hand pattern corresponds to a predetermined second hand pattern (e.g. Fig 6), after said operation start recognizing means recognizes that the operation of said hand pattern switch device is started see column 3, line 52-57, where gestures from an operator is analyzed and the corresponding operating steps are perform in conjunction with an image processor).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the imaging system of Peter to the operation output device of Tamotsu as modified by Paul to "control by gesture all the image processing steps which are otherwise common with mouse control, such as windowing, dimensioning of objects, 3D functions, etc." column 2, lines 18-20).

As to claim 12, note the discussion above, Peter teaches the hand pattern switch device, wherein said operation start recognizing means includes confirming means for confirming that the hand of the predetermined first hand pattern does not grasp or touch a particular object (e.g. see Fig 5) said operating start recognizing means recognizes and then determining that the operation of said hand pattern switch device is started

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after confirming that the hand of the predetermined first hand pattern does not grasp or touch the particular object.

As to claim 13, note the discussion above, Peter teaches the hand pattern switch device, wherein the predetermined first hand pattern corresponds to one that is formed when the hand grasps an object (e.g. see Fig 7), and the predetermined second hand pattern corresponds to one that is formed when the hand points an object with its finger (e.g. see Fig 6).

As to claim 14, Tamotsu teaches the hand pattern switch device further includes promoting means for promoting start of the operation amount changing means when the recognized hand pattern corresponds to a predetermined third hand pattern (e.g. item 4 in drawing 2) and a detected position of the hand in the image pickup zone is not displaced for a predetermined time (e.g. 0.5 seconds, page 6, [p][0046], line 7 of translation) after the controlled object is selected.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrae S. Allison whose telephone number is (571) 270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

March 5, 2007

AA



JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER